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JCS968 U.S.
PTO

PATENT
Attorney Docket 044921-5029-US

JCS968 U.S.
09/873319 PTO
06/05/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION

Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL FOR A NEWLY EXECUTED ORIGINAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a patent application under 37 C.F.R. § 1.53(b) for:

Inventors: William E. MUNGER; Prakash KULKARNI;
Robert H. GETZENBERG, Iwao WAGA
and Jun YAMAMOTO.

For: **Identifying Drugs for and Diagnosis of Benign Prostatic Hyperplasia Using Gene Expression Profiles**

1. This is a new **Utility** patent application.
2. The papers enclosed to obtain a filing date are as follows:
65 Pages of Specification including
 26 Pages of Description
 32 Pages of Tables
 07 Pages of Claims
 01 Page of Abstract
 06 Sheets of Informal drawings containing 06 Figures
 369 Pages of Sequence Listing
3. Combined Declaration and Power of Attorney
 Enclosed and is executed by all inventors.
 Not Enclosed - this application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicants await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.
4. Language
 English
 Non-English
This application is being filed in accordance with 37 C.F.R. § 1.52(d) and § 608.01 of the MPEP. Applicant awaits notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.
5. Assignment
 An assignment of the invention to:
and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

An assignment will be filed at a later date.

6. Priority - foreign applications under 35 U.S.C. § 119(a)-(d) or § 365(b) or PCT international applications under 35 U.S.C. § 365(a) designating at least one country other than the U.S.

Priority of the following foreign applications is claimed:

Country	Application No.	Filed

Certified copies: are attached. will follow.

6. Priority based on provisional applications - 35 U.S.C. § 119(e)

Priority of the following provisional applications are claimed:

Application No.	Filed
60/223,323	August 7, 2000

7. Small Entity Status

Name of Concern:

Address of Concern:

I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e), for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention entitled

8. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee \$710.00
Total Claims	= - 20 =	=	\$18.00 each =	+==
Independent Claims	= - 3 =	=	\$80.00 each =	+==
Multiple dependent claims, if any		\$270.00	+==	
SUB-TOTAL				=
Reduction by ½ for filing by a small entity				-
TOTAL FILING FEE				\$

9. Application Filing Fee and Fee Payment:

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\$==.00	Application Filing Fee
\$==.00	Excess Total Claim Fee
\$==.00	Excess Independent Claim Fee
<u>\$==.00</u>	Multiple Claim Fee
\$==.00	Total

A check in the amount of \$==.00 for payment of the application filing fee is enclosed.

10. Additional papers enclosed:

- Sequence Listing - 368 pages
- Diskette with computer readable copy of Sequence Listing
- Statement Accompanying Sequence Listing - 1 page

11. Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **Constructive Petition for Extension of Time** in accordance with 37 C.F.R. § 1.136(a)(3).

12. **Please accord this application an application number and filing date.**

Dated: **June 5, 2001**
Morgan, Lewis & Bockius LLP
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Washington, D.C. 20036
202-467-7000
202-467-7258

Respectfully submitted
Morgan, Lewis & Bockius LLP

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